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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 FELICIA R. YARBOROUGH,

Case No. 2:17-CV-2823 JCM (NJK)

8 Plaintiff(s),

ORDER

9 v.

10 NANCY A. BERRYHILL,

11 Defendant(s).

12
13 Presently before the court is Magistrate Judge Koppe's report and recommendation
14 ("R&R") in the matter of *Yarborough v. Berryhill*, case number 2:17-cv-02823-JCM-NJK. (ECF
15 No. 28). No objections have been filed, and the deadline for doing so has passed.

16 Upon considering plaintiff's motion for reversal and/or remand to the Social Security
17 Administration (ECF No. 22) and the commissioner's countermotion to affirm (ECF No. 25),
18 Magistrate Judge Koppe concluded that the administrative law judge's own factual findings did
19 not comport with her ruling that plaintiff is able to engage in "light work," pursuant to 20 C.F.R.
20 § 416.967(b). (ECF No. 28 at 9–10). Thus, Magistrate Judge Koppe recommended plaintiff's
21 motion to remand be granted, and the commissioner's countermotion to affirm be denied. *Id.* at
22 13.

23 This court "may accept, reject, or modify, in whole or in part, the findings or
24 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
25 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
26 determination of those portions of the [report and recommendation] to which objection is made."
27 28 U.S.C. § 636(b)(1).
28

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

Nevertheless, this court conducted a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to adopt the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Koppe's report and recommendation (ECF No. 28) are ADOPTED in their entirety.

IT IS FURTHER ORDERED that plaintiff's motion to remand (ECF No. 22) is GRANTED, and that this matter is remanded to the Social Security Administration for further administrative proceedings consistent with Magistrate Judge Koppe's report and recommendation.

IT IS FURTHER ORDERED that the commissioner's countermotion to affirm (ECF No. 25) is DENIED.

The clerk of court is instructed to enter judgment accordingly and close the case.

DATED October 11, 2018.

James C. Mahan
UNITED STATES DISTRICT JUDGE